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**THE CONCEPT, TYPES, AND SYSTEM OF SOCIAL FACTORS NEGATIVELY AFFECTING
THE ENFORCEMENT OF THE HUMAN RIGHTS TO EDUCATION
(BASED ON THE ANALYSIS OF LEGAL REGULATION OF EDUCATION
IN THE CAUCASUS FROM THE 19th CENTURY UNTIL NOW)**

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Abstract

The right to education is the most important cultural right of a person. Legal regulation quality and guarantees of a human right to education largely determine the overall level of development of the individual, certain sectors of citizens, and the state in general. However, any right is influenced by various factors that either improve or worsen the quality characteristics of the implementation of a subjective human right. These factors are generated by both society and state policy. Social factors that adversely affect the implementation of the human right to education have a certain legal nature, i.e. they appear and exist because the conditions for their appearance and existence are determined by the legal acts in force in the field of education. Any state is obliged to take care of the development of education in its territory, as an indispensable condition for advancement, stability, and national security. At the same time, a certain state ideology can be traced in the educational policy.

Keywords

Education – Education in the Caucasus – Right to education – Social factors – Caucasian school

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Introduction

The implementation of legal rights depends on many factors of an objective and subjective nature, having different nature and qualitatively differently influencing the implementation of specific human rights.

These social factors are generated by the state, since it is the state that creates the conditions for their implementation, protects and guarantees them, as well as participates in the implementation of legal rights in a certain way, etc.

"Social factors that influence the implementation of human and citizens' rights and freedoms are extremely numerous and can be enumerated almost indefinitely in the context of specific legal rights and freedoms"¹.

These include the quality of legislation on education; state support for educational institutions and the education sector in general; the system of the educational complex (financial and material support); the desire of the population or individual social groups to get public education; the territorial organization of the educational system; financial accessibility of education for the population; succession between levels of education; educational standards; the procedure for delineation of powers between public authorities in the field of education; the quality of training and retraining of qualified teaching staff and managers for the education (reproduction of personnel); the system of state education management, etc.

These factors may have no influence, as well as generate positive or negative social effects. For example, the legislation on education is neutral in itself, but it serves the basis for the emergence of factors that will contribute to the effective implementation of the right to education, or negative factors that significantly reduce the possibility of a person to exercise their right.

Accordingly, the research subject in this case will be social factors that significantly (qualitatively) affect the implementation of the right to education towards the difficulty of its implementation or making the implementation of the right to education completely impossible, i.e. affecting negatively.

At that, exactly social factors generated by legal regulation, as one of the tools of state educational policy in the Caucasus in the period from the 19th to 20th centuries should be studied first of all.

It is necessary to answer the question of what was system and types of social factors that negatively affected the implementation of the right to education and its existence in the educational space of the Russian Caucasus during the entire period of formation and development of public education in the Caucasus?

In the authors' opinion, there is a direct link between the quality and ideology of education legislation and the number and quality of social factors that affect the implementation of the human right to education.

¹ M. S. Trofimov, "Ponyatie i vidy social'nyh faktorov, obuslavlivayushchih realizaciyu prav cheloveka v Rossii: k postanovke problemy nauchnogo issledovaniya", State and Law num 8 (2012): 99-103.

Besides, it must be borne in mind that education cannot be viewed and understood independently on the society in which it exists².

In the Caucasus, from the beginning of the 19th century to the present time, the course of state policy (including legal policy³) in the field of education has been changed over and over again that led to a change in the legal regulation of the education, generating new or exacerbating existing negative social factors.

Each historical period associated with the reform of education in the Caucasus was characterized by the appearance of a certain set of social factors that determined the implementation of the right to education.

Negative factors are traditionally associated with problems in education. By studying these problems carefully, one can identify a set of negative social factors, classify them, and represent them on a systemic basis.

Identified and classified social factors that negatively affect education, in their proven relationship with legal regulation, will allow adjusting the current Russian legislation on education towards improving the quality of implementation of the right to education.

Methods

To study the set problem, the entire historical period from the 19th century to the present has been divided into intermediate stages, because of its quite long duration. The criteria for the implementation of educational reforms in the Caucasus (the contemporary territory of the North Caucasus, North-West Caucasus, and South Caucasus) by state authorities were used as the basis for identifying individual stages. The suggested periodization can be subject to scientific discussion but currently it is seen by the authors as follows: 1800-1848, 1848-1867, 1867-1880, 1880-1917, 1917-1930, 1930-1950, 1950-1966, 1966-1992, 1992-2012, and from 2012 to present.

For presented intermediate historical periods, a search was made for documentary sources and scientific literature. In particular, the following materials were collected and studied: reports of the ministers of national education (1802-1902), reports of the governors of the Caucasian provinces (1810-1917), reports of the governor of the Caucasus (1844-1883), the report of the trustee of the Caucasian school district (1848-1917), reports the People's Commissariat of Education of RSFSR (1917-1946), reports of the Ministry of Education of the RSFSR (1946-1991), reports on the state of education of the Ministry of Education of the Russian Federation (1991-2004) and the Ministry of Education and Science of the Russian Federation (2004-2018).

In the framework of studying the contemporary period of ensuring the right to education, the reports of educational authorities of the North Caucasus Federal District (NCFD) entities were studied, namely the Stavropol Territory, the Kabardino-Balkarian Republic, the Karachay-Cherkess Republic, the Republic of Ingushetia, the Republic of Dagestan, the Chechen Republic, and the Republic of North Ossetia-Alania.

² S. Bowles y H. Gintis, *Schooling in capitalist America* (London: Basic Books, 1976).

³ M. V. Voronin y I. V. Przhilenskiy, "Social and legal technologies in the system of legal policy" *Journal of Politics and Law* Vol: 12 num 5 (2019): 48-52.

The normative acts that were in force in the territory of the contemporary Caucasus during the period chosen for the study served an important source of information about the legal regulation of education in general, and the implementation of the right to education. These acts included: the Highest Decrees of the Russian Emperor, various regulations on the organization of educational affairs in the Caucasus and Transcaucasia (in particular, the "Regulations on the educational part in the Caucasus and beyond the Caucasus" of November 22, 1873); regulations on the Caucasian educational district (1848, 1853, 1860, 1864, and 1867); acts of the Ministry of National Education (before 1917); the law "On private educational institutions" (1914), the Decree of the Council of People's Commissars (CPC) of the RSFSR "On the organization of public education in the RSFSR" (1918); the Decree of the All-Russian Central Executive Committee of the (ARCEC) of the RSFSR "Basic principles of a unified labor school" (1918); the Decree of the CEC of the RSFSR "On the elimination of illiteracy among the population of the RSFSR" (1919); the decree of the government and the CEC of the All-Union Communist Party (AUCP) of Bolsheviks "On the reorganization of the school" (1934); the USSR law "On strengthening the connection of school with life, and on the further development of the public education system in the USSR" (1958); the Resolution of the Central Committee of the CPSU and the USSR Council of Ministers "On measures for provision of secondary schools teaching staff" (1961); the Resolution of the CPSU Central Committee and USSR Council of Ministers "On measures to further improve the work of the secondary school" (1966); the USSR Law "On approval of the fundamentals of legislation of the USSR and the Union republics on public education" (1973); the resolution of the CPSU Central Committee and USSR Council of Ministers "On the rural school" (1973); the Law of the RSFSR "On national education" (1974); the Russian Federation law "On education" (1992), and the laws of North Caucasian entities of the Russian Federation on education, adopted on its basis; the Federal law "On education in Russian Federation" (2012); and legislative acts on the education of constituent entities of the Russian Federation within the North Caucasian Federal District adopted on its basis.

The authors studied statistical and reporting materials on the status of education issued by the Russian Federation Government, ministries of education of the Russian Federation entities, and human rights commissioners in the Russian Federation entities located within the NCFD.

Besides, the legal acts of the Republic of South Ossetia and the Republic of Abkhazia (1992-2020) were quite an interesting source of information about the status of contemporary education in the Caucasus region.

Monographic studies and scientific articles by historians, lawyers, teachers, and publicists, published throughout the history of education in the Caucasus region of Russia (1840-2019) gave also a large amount of information about the status of education, existed and existing problems, success in the development of public education in the Caucasus, as well as related issues.

A large amount of archival information about the history of education in the Caucasus and Transcaucasia was obtained through the work in archives and libraries, namely, the State Public Historical Library (Moscow), the Russian State Library (Moscow), the Central State Historical Archive of St. Petersburg (St. Petersburg), the National Library of Russia (St. Petersburg), the National Science Library of RNO-Alania (Vladikavkaz), and the Central State Archive of the Republic of South Ossetia (Tskhinval).

The collected material was divided into the above indicated periods and studied in terms of identifying problems in the public education system that affected the implementation of the legal right to education by the population of the Caucasus.

To analyze the impact of social factors on the implementation of the right to education at present, a sociological survey was conducted in 2019 among the population of the North Caucasus republics of the Russian Federation and the population of the Republic of South Ossetia.

The identified problems (social factors) were analyzed in terms of legal acts in force in the concerned historical period to understand the extent to which a specific problem was caused by a normative prescription.

All identified factors were recorded and used when systematizing them.

Results

As shown by the conducted analysis of the development of public education in the Caucasus, during a long historical period (19th-21st centuries), there was always a certain set of problems that complicated the implementation of the right to education. They were caused by social and economic reasons, state policy and current legislation, the attitude of the population to education, etc.

The problems identified in different historical periods had different qualitative characteristics, were more or less acute, existed constantly, or appeared periodically. Some of the problems existed just during a short period. The authors revealed also a certain dependence on the qualitative characteristics of negative factors on the geographical component, i.e. on a specific territory.

Persistent (stable) problems

The first and most persistent problem (factor) in the development of the education system in the Caucasus, as it follows from almost all the studied sources, is the lack of funding for the education system. This factor contains problems, such as low pay for teachers, insufficient material-and-technical support for schools, lack of textbooks for pupils, lack of professional development programs for teachers, etc.

This problem has already appeared at the initial stages of the formation of education in the Caucasus. At that, with the natural expansion of educational institutions network, the government tried to reduce public maintenance costs, shifting some of them to urban and rural society⁴. *The second persistent problem (factor)* is the lack of qualified teaching staff in schools. This factor is partly related to the first one. The problem was persistent for almost the entire 19th century⁵: "The government, constantly facing this chronic problem, in every possible way assisted the local administration by attracting teachers from central districts of Russia..."⁶.

⁴ L. S. Gatagova, *Pravitel'stvennaya politika i narodnoe obrazovanie na Kavkaze v XIX v.* (Series "First monograph") (Moscow: Regional Information Center "Young Russia", 1993), 87.

⁵ Rossijskij gosudarstvennyj istoricheskij arhiv. Foundation No. 1268. Inventory 10. The case 80. Sheet 4.

⁶ L. S. Gatagova, *Pravitel'stvennaya politika i narodnoe obrazovanie na Kavkaze v XIX v.*...59

In the 20th century, this problem has also manifested itself in the North Caucasus. For example, in the 1946-1947 academic year, in Kabarda, the number of specialists with higher education working in 48 secondary schools amounted to 109 teachers teaching physics (20), geography (19), natural sciences (26), chemistry (3), and foreign languages (11)⁷.

This problem was noted in the Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR No. 874 of November 10, 1966 "On measures to further improve the work of secondary schools"⁸.

The third persistent problem (factor) is the insufficient number of educational institutions (schools) relative to the population. This factor is partly related to the problem of underfunding the education system and partly related to the state policy in the education sector.

This was pointed out throughout the entire Russian Empire in the "Regulation on primary public schools" of July 14, 1864, in which a brief historical sketch of the description of Russian schools stated that even in densely populated areas of Central Russia, there was only one school for twenty versts⁹.

The situation in the Caucasus was no better. For example, as of 1850, there were 45 educational institutions in the entire Caucasus school district¹⁰.

In the review of Stavropol Province for 1878, it was noted that "The number of all educational institutions in the province, middle and lower level amounted to 132"¹¹. And this is even though the Stavropol Province throughout the 19th century was the most developed region of the Caucasus, including in terms of the development of public education.

In 1897, the Caucasian school district had already 1,486 educational institutions subordinate to the Ministry of Education and 1,328 parochial schools.

The fourth persistent problem is the poor territorial accessibility of schools for pupils (especially in the mountainous Caucasus). This issue is related to the first and third issues listed above.

⁷ Central'nyj gosudarstvennyj arhiv Kabardino-Balkarskoj Respubliki. Fund P-1025, Inventory 1, Case 1676, Sheet 31.

⁸ O merah dal'nejshego uluchsheniya raboty srednej obshcheobrazovatel'noj shkoly. Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR No. 874 of November 10, 1966. SP SM USSR, 1966, 23(205).

⁹ Polozhenie o nachal'nyh narodnyh uchilishchah. Stolypin Museum of the History of Russian Reforms. July 14 1864. Russian legislation on the education of the 19th-early 20th century: Collection of documents. National Research University Higher School of Economics (Moscow: Publishing House of the Higher School of Economics, 2017) Available at: <http://xn--e1aaejmenocxq.xn--p1ai/node/13686>

¹⁰ Gosudarstvennyj arhiv Rossijskoj Federacii. Fund 678, Inventory 1, Case 559. Sheet 1-2.

¹¹ Obzor Stavropol'skoj gubernii ... [Overview of the Stavropol province ...] [by year]. Statistical review of Stavropol Province; Subtitle of reviews for 1884-1895, 1902-1903 is not specified; Reviews for several years: Appendix to the most detailed report of the Stavropol Governor. State Public Library of Russia.

This problem was directly related to the problem of an insufficient number of educational institutions and the underfunding of the education system in general.

All these problems were largely resolved during the Soviet period, however, with the collapse of the USSR and the transition of the Russian Federation to a different model of political and economic development, the problems of insufficient funding, insufficient number of schools, and poor territorial accessibility of schools for pupils (especially in the mountainous Caucasus) have worsened again.

Temporary, occasionally appearing problems (factors), characteristic of certain historical periods

The first temporary problem of this group, which was relevant throughout the 19th century, as well as the early and mid-20th century, concerns the language of teaching in the Caucasian school. Because not enough people knew Russian, while it was impossible to teach in public schools everyone in any of native languages of the peoples inhabited the Caucasus, people faced a situation of limited availability of education.

Although there were attempts to teach in the native languages of the highlanders, in the 1860s the State Council has formulated a guideline to action: "The government should take care of the development of general Russian literacy, rather than local dialects..."¹². Accordingly, the Regulations on primary public schools of July 14, 1864, stated that teaching must be done in Russian¹³.

In the 1940s and 1950s, the quality of education received by children was influenced by the ability or inability of children to learn in their native language. The level of knowledge of pupils in Kabardian classes was higher than that of pupils in schools where education of Kabardian children was conducted in Russian¹⁴.

In the contemporary history of Russia, this problem has arisen in a slightly different aspect: since the late 1980s, the republics of the North Caucasus began to require teaching at schools in national languages. And this right was granted to them by the Law of the Russian Federation "On education" No. 3266-1 of 10.07.1992.

The second temporary problem (factor) is the inefficiency of state education management in the Caucasus. This problem was manifesting itself in the periods of the 1800s-1870s, 1920s, and 1990s.

In particular, in the 19th century, the state bodies dealing with education in the Caucasus practically ignored the need to develop secondary education.

After the revolution and the end of the Civil war, education authorities were re-established to address the chaos in education and eliminate the illiteracy of the population.

The third temporary problem (factor) is the separation of the school curriculum from the real needs of society's development, an excessive overload of pupils with educational

¹² Rossijskij gosudarstvennyj istoricheskij arhiv. Fund 733, Inventory 170, Case 137, Sheet 9.

¹³ Polozhenie o nachal'nyh narodnyh uchilishchah...

¹⁴ Centr dokumentacii novejshej istorii Kabardino-Balkarskoj Respubliki. Fund 1, Inventory 1, Case 2453, Sheet 45.

activities. It is in this form that the problem affecting the quality of learning material by pupils was formulated in the Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR No. 874 of November 10, 1966 "On measures to further improve the work of secondary schools". This problem was manifested again in the 2000s and nowadays.

The fourth temporary problem (factor) is the uniformity of educational programs for schools without considering the peculiarities of the national features. This problem was characteristic of the development of education in the Caucasus in 1870-1900 and 1940-1950.

The fifth temporary problem (factor) is the reluctance of graduates of higher educational institutions of pedagogical majors to work at school. This problem became characteristic of the Soviet school in the 1960s, as well as became again urgent from the 1990s to the present time for the entire Russian school in general.

For example, in the Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR No. 817 of 31.08.1961 "On measures to provide secondary schools with teaching staff" it was noted: "... as early as in the current academic year, there is a significant shortage of teachers. Some of the specialists, who have graduated from pedagogical educational institutions, do not come to their destination"¹⁵.

The sixth temporary problem (factor) is the decline in the prestige of the teaching profession. This problem appeared in the USSR in the 1970s and got worse over time. In the 1990s, the teacher's prestige was the lowest.

The seventh temporary problem (factor) is associated with additional education costs incurred by parents. It follows from the general underfunding of educational organizations in contemporary Russia, and the need for additional classes with pupils (hiring tutors) to successfully pass the Unified State Examination and enter higher education institutions. This problem appeared in the 1990s and exists so far.

Problems (factors) that existed at a certain stage of the public education development in the Caucasus and never appeared later

The first problem (factor) of this group is the lack of centralized education management and the subordination of schools to several departments. Initially, the first Governor of the Caucasus M. S. Vorontsov drew attention to this problem in 1845. He decided to unite the educational institutions of the North and South Caucasus under the same jurisdiction¹⁶. For the education system in the Caucasus, this problem remained relevant until the second half of the 19th century. Thus, in the 1860s, the schools belonging to the public education system were subordinated to the Ministry of Public Education, the

¹⁵ O merah po obespecheniyu obshcheobrazovatel'nyh shkol uchitel'skimi kadrami. Resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR No. 817 of August 31, 1961. Code of Laws of the USSR, 1990.

¹⁶ Delo o prinyatii mer k uluchsheniyu sostoyaniya Kavkazskoj gimnazii i pansiona pri nej..... [The case on taking measures towards improving the condition of the Caucasian gymnasium and affiliated boarding school, on the exclusion of the Directorate of schools in the Caucasus Region, and the lands of the Black Sea troops from the Kharkiv school district, and transfer to the jurisdiction of the Caucasian Governor]. Case: 1.09.1845- 18.01.1847, Russian State Historical Archive. Fund: the Department of National Education. Inventory number 50.

Ministry of State Property, the Ministry of the Court, the Ministry of Internal Affairs, the Ministry of Finance, the Holy Synod, the Exarchate of Georgia, the headquarters of the Caucasian army, and the administration of the Governor in the Caucasus¹⁷¹⁸.

The second problem (factor) related to this group was the nonrecognition of the state secular school by the Muslim population of the Caucasus at the end of the 19th century. During this period, and especially at the beginning of the formation of public education in the Caucasus, the number of medreses and makhtabs in the Muslim regions of the Caucasus was much greater than state educational institutions, while the influence of the Muslim clergy on the population was so great that the mountaineers did not show much activity in studying in Russian-language schools.

Until the 1850s, "all attempts taken by the authorities to attract Caucasian children to educational institutions were met with resistance from local residents. The influence of this factor gradually decreased in the course of involvement of the Caucasus in the orbit of the Russian Empire's politics, including through the increase in the number of state Russian-Muslim schools.

The third problem (factor) was the lack of succession between levels of education. This factor directly affected the availability of education in general, since in the second half of the 19th century, people, who graduated from primary schools in the Caucasus, could not enter with acquired knowledge the next level of education, i.e. secondary schools. Moreover, this factor was created by the state intentionally and was implemented within the framework of the state educational policy.

In documents of the mid-19th century (for example, Provisions on the education units in the Caucasus of 1864, Provisions for education units in the Caucasus and beyond the Caucasus of 1867, the Charter of gymnasiums and schools of 1864) the primary and secondary education were not interrelated.

In the 19th century, due to the different requirements for educational institutions and the training programs, pupils often did not have the opportunity to move from one educational institution to another¹⁹.

The fourth problem (factor) was associated with the availability of qualifying requirements at schools. This factor was relevant during almost the entire 19th century and the beginning of the 20th century. There were two qualification requirements for pupils: the property qualification (the need to pay for primary education), and the class qualification (only representatives of noble Caucasian families were allowed to study). Up to 1917, the class qualification was applied to children from mountain families. Note that this factor was manifested itself periodically. For the first time, the property qualification was approved at the legislative level in the Regulations on the Caucasus school district of 1853, according to which it was necessary to pay for education at the gymnasium²⁰. In the Regulations on primary public schools of 1874, it was stated that the establishment of tuition fees

¹⁷ Polozhenie o nachal'nyh narodnyh uchilishchah...

¹⁸ L. S. Gatagova, Pravitel'stvennaya politika...

¹⁹ L. N. Madzalevsky, Hod uchebnogo dela na Kavkaze s 1802 po 1880 god. Memorial book of the Caucasian school district for 1880 (Tiflis: A. A. Michelson's Printing-House, 1880).

²⁰ Polozhenie o Kavkazskom uchebnom okruge i uchebnyh zavedeniyah onomu podvedomstvennyh (St. Petersburg: Russian State Library, 1853)

depended on the discretion of departments, urban and rural communities, as well as individuals who have managed and maintained the particular school.

According to the data of 1878, the social composition of pupils in the gymnasiums of the Caucasian educational district was as follows: 1,247 children were from noble families and civil servants' families, 353 children were representatives of urban estates, 110 children were from the clergy, 107 children were from princely families, 40 children were from rural estates, 23 children were from soldiers' families, and 9 children were from Cossack families²¹.

The fifth problem (factor) was the lack of written language among the peoples of the North Caucasus. Largely for this reason, by 1920, the average literacy rate in the Mountainous Republic of the Northern Caucasus (without Karachay) was 14.2%, in Kabarda and Balkaria – 5.6%, in Ingushetia – 3%, and in Chechnya – 0.84%. In cities, literacy was higher than in districts. For example, in Vladikavkaz, there were 52.6% literates, in Grozny – 44.1%, in Nalchik – 34%²².

The sixth problem (factor) was the rapid aging of the teaching staff, the increasing number of teachers of retirement age working at schools. This problem, which negatively affected the learning process of schoolchildren, appeared in the 1990s. In the second half of the 2010s, due to the state policy of the Russian Federation, the state managed to partly eliminate this problem but today the problem still exists.

Discussion

The term "social factors affecting the implementation of the right to education" is not used in legal science and cannot be found in the literature dealing with the development of Russian education, legal regulation of education, and implementation of the right to education.

The terms like "problems of implementation of the right" and "guarantees of implementation of the right" are well-established in the Russian legal science. Both terms reflect the conditions for the implementation of the right: a negative condition that makes it difficult to implement the right, and a positive condition that ensures the implementation of the right.

Negative conditions (factors) exist in society and are generated by the interaction in the very society, or by the interaction of society and the state. It is for this reason that it is proposed to call them social factors.

Russian legal science lacks studies on the impact of social factors on the implementation of human rights. In the authors' opinion, this is because in legal science it is customary to consider the influence of third-party factors (for example, social factors) on the implementation of legal norms, i.e. their impact on the objective right.

In this regard, one can note the study of A.V. Alefirenko devoted to the social factors of enforcing the law²³.

²¹ Zhurnal Ministerstva narodnogo prosveshcheniya, Part 192. 1877.

²² Gosudarstvennyj arhiv Rossijskoj Federacii. Fund 2306, Inventory 16, Case 9, Sheet 33.

²³ A. C. Olefirenko, *Social'nye faktory realizacii prava*: Ph.D. thesis in legal sciences. USSR Academy of Sciences (Moscow: Institute of State and Law, 1989).

While talking about the time closer to the contemporary period, one can distinguish the scientific publication of N.V. Vasiliev in the journal of Psychological Pedagogics in Law-Implementation Agencies, published in 2014²⁴.

The authors of these works note about the subjective approach of the bearer (bearers) of rights to implement legal regulations, because each individual has his own will and consciousness, and within the framework outlined by the law, can choose a certain mode of behavior.

Regarding the factors that affect the implementation of the right, Vasiliev notes that "such factors include individual psychological characteristics of the individual, consisting of specific needs and interests; propensities formed in the course of individual's life and the influence of others; their attitudes to a certain behavior (for example, internal readiness for self-containment), etc."²⁵.

However, this approach suggests a subjective attitude to the objective law or the implementation of a legal right.

In the context of the analysis of implementing the right to primary and secondary education in the Caucasus in the period from the 19th century to the present, the authors propose to consider the phenomenon of social factors like the creation of a collective, a set of individuals. Moreover, in the appearance and existence of the identified factors, the authors find both the direct influence of society (individual social groups) and the activities of the state addressed to society.

Accordingly, this approach is new and will allow looking at the impact of the implementation of subjective human rights from a different perspective.

Another problem that arises when studying the impact of social factors on education is social inequality.

At some stages of education development in the Caucasus (in the 19th century, at the end of the 20th century, and present), this problem is clearly notable. It should be noted that the problem of social inequality in the education sector was relevant in the USSR as well, but only with respect to higher education.

The problem of social inequality in education in Russian and foreign science is studied from the standpoint of sociology. Lawyers rarely address this issue.

For example, M. Weber has argued that the school reproduces social inequality and that the formation of social conflict is inherent in the very school²⁶. Other researchers also agree that education itself creates social inequality²⁷.

²⁴ N. V. Vasiliev, "Sub"ektivnye faktory v realizacii pravovyh norm", Psychological Pedagogics in Law Enforcement Agencies Vol: 1 num 56 (2014): 31-34.

²⁵ N. V. Vasiliev, "Sub"ektivnye faktory v realizacii pravovyh norm...

²⁶ M. Weber, *Essays in sociology* (New York: Oxford University Press, 1946), 25-32.

²⁷ A. Barrere, N. Sembel, *Sociologie de l'education* (Paris: Nathan, 1998).

According to numerous sociologists, this inequality is related to the opportunities that the education system, educational programs, and teaching methods provide or do not provide. Social inequality results from education.

Representatives of the functionalist approach consider the problem of social inequality in education as a problem of inequality in society in general.

For example, É. Durkheim has rightly noted that education depends on specific historical conditions of social development and it is influenced by various social factors²⁸.

It is extremely interesting to consider social factors that negatively affect the implementation of the right to education from the standpoint of theories of social inequality in education that are widespread in Russia and abroad.

For example, the quality of the education system should first be assessed in terms of accessibility for different segments of the population and social groups²⁹.

Contemporary Russia, as well as many foreign countries, is characterized by problems of social inequality in education. European studies, for example, show that the quality of education and its accessibility for children from educated families living in large localities, and children from families with a low level of education, or living in small localities, for example, in villages, are unequal. The advantage is given to children from the first group³⁰.

Combining the theories of Western sociologists about the essence of social inequality in education, the theory of the influence of social factors on the implementation of legal norms, and the theory of the influence of social factors on the implementation of the subjective human right to education gives new knowledge concerning the problems of Russian education.

The authors managed to identify a large number of social factors that appear in the field of education in the course of interaction between the state, society, and the individual. These factors are generated by the state educational policy and are its continuation that itself needs constant research and monitoring³¹.

²⁸ E. Durkheim, *Sociologiya obrazovaniya* (Moscow: INTOR, 1996)

²⁹ S. Field, M. Kuczera, B. Pont, *No more failures. Ten steps to equity in education. Summary and Policy Recommendations*. Paris: OECD. 2007. Available at: <https://www.oecd.org/education/school/45179151.pdf>

³⁰ D. Konstantinovskiy, "Neravenstvo v sfere obrazovaniya: rossiyskaya situatsiya, Monitoring of Public Opinion, Economic and Social Changes Vol: 5 num 99 (2010): 40-65; M. Carnoy; T. Khavenson y A. Ivanova, "Using TIMSS and PISA results to inform educational policy: A study of Russia and its neighbors", *Compare: A Journal of Comparative and International Education* Vol: 45 num 2 (2015): 248-271; C. Amini y E. Nivorozhkin, "The urban-rural divide in educational outcomes: Evidence from Russia", *International Journal of Educational Development* num 44 (2015): 118-133 y A. V. Kapuza; Yu. D. Kersha; A. B. Zakharov y T. E. Havenson, "Uroven' obrazovaniya i social'noe neravenstvo v Rossii: dinamika i korrelyacii s obrazovatel'noj politikoj", *Educational Studies* num 4 (2017): 10-35.

³¹ I.V. Zhuzhgov, A.A. Volkov, A.M. Salnyy, T.B. Kulikova, N.A. Ryasnyanskaya, "Legal space monitoring: Theoretical and legal aspects", *Opcion* Vol: 35 num 20 (2019): 2337-2365.

Contemporary Russian educational policy does not take into account the problem of social inequality³², nor does it take into account social factors that affect the implementation of the right to education. Although, as the conducted analysis has shown, some of them are so stable that they became inherent in the Russian education system (at least in the Caucasus) since the 19th century.

In the authors' opinion, it is extremely important to take into account the identified social factors in the legislative process, as a result of the legal policy of the state³³.

Conclusion

The conducted research has shown that the study of the phenomenon of the influence of social factors on the implementation of the right to education allows revealing certain problems that exist in education.

The historical period from the beginning of the 19th century to the 21st century, considered in the present study, allowed identifying several social factors for the territory of the Caucasus that negatively affected the implementation of the right to education. At that, these factors can be either stable over time being permanent pain points of Russian education in general, or temporary – appearing in certain conditions, or peculiar only to a certain historical period.

The greatest number of social factors negatively affecting the implementation of the human right to education in the Caucasus was identified in the 19th century. At that, these factors were different in their quality characteristics. Their acuteness has been manifested more or less strongly depending on the coherence of the education system and the emphasis of the state educational policy.

According to the authors, a large number of negative social factors in the 19th century was due to the formation and adjusting of the education system in the Caucasus. This was a complex historical period, during which it was difficult to find areas of public life that were devoid of problems.

The conducted study has also shown that the number of social factors that negatively affect the implementation of the right to education increases in the periods of reforms, the emergence of political, economic, and social crises. For example, the most prominent historical periods were the 1840-1850s (the time of the Caucasian War); 1917-1920 (the time of the February and October revolutions, Civil War, and the establishment of the Soviet authorities in the Caucasus); as well as the 1990s (the time of crisis in the formation of the Russian Federation, and the transition to a new education policy).

The most significant social factors, in terms of their impact on the implementation of the human right to education, are related to the economic situation in the state, and the ability of the state to finance the education system.

³² S.G. Kosaretsky, I.G. Grunicheva, M.E. Goshin, "Obrazovatel'naya politika Rossii konca 1980-h — nachala 2000-h godov: deklaracii i prakticheskoe vliyanie na neravenstvo v obshchem obrazovanii", *World of Russia* Vol: 259 num 4 (2016): 115-135.

³³ A. V. Malko; N. V. Isakov; A. P. Mazurenko; D. A. Smirnov y I. N. Isakov, "Legal policy as a means to improve the lawmaking process", *Astra Salvensis* Vol: 6 num 1 (2018): 833-842.

The state educational policy has had significant impact on the emergence and stability of social factors affecting the implementation of the right to education in the Caucasus in all periods covered by the study.

At that, as it turned out, social factors that were directly generated by the population, were the least numerous and significant in comparison with other factors.

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